IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE SIXTEENTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 5231 of 2005

Between:

1 Shaik Mahboob (Died per LRs.
2 Raheeminnisa W/o. Late Shaik Mahboob
3 Shaik Mahmood S/o. Late Shaik Mahboob
4 Shaik Imam, S/o. Late Shaik Mahboob,
(Petition No.2 to 4 are R/o. 19-3-424/2, Jahanuma, Hyderabad.
5 Shaik Ahmed (Died per L.R's)
6 Yaseen Begum, D/o. Late Shaik Ahmed,
7 Hussaini Begum, D/o. Shaik Ahmed,
8 Haji Begum D/o. Shaik Ahmed
9 Chousia Begum D/o. Late Shaik Ahmed,
10 Fatima Begum D/o. Late Shaik Ahmed,
11 Mohammadi Begum, D/o. Late Shaik Ahmed,

... PETITIONERS

AND

1 Govt. of A.P., rep. by its Principal Secretary, Revenue,
Secretariat, Hyderabad.
2 Commissioner, Urban Land Ceiling,
Nampally, Hyderabad.
3 Special Officer & Competent Authority, Urban Land Ceiling, Hyderabad.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to pass an order or orders particularly one in the nature of Writ of Mandamus declaring the action of the First Respondent in not passing any orders in respect of the stay application in the Revision preferred against the proceedings of the Special Officer, Urban Land Ceiling in File No: B1/1679/76, Dt.23-12-2004 as bad, illegal and unconstitutional and further direct the first respondent to pass orders in respect of the

stay application pending the revision before him.

Counsel for the Petitioners: MR.KESHAV HULSURKAR

Counsel for the Respondents: GP FOR REVENUE

The Court at the stage of admission made the following:

ORDER:

This writ petition is filed aggrieved by the alleged action on the part of the first respondent-Principal Secretary in not considering the revision petition preferred by the petitioners against the order of the Special Officer dated 23-12-2004 under Section 10(5) of the Urban Land (Ceiling and Regulation) Act, 1976, (for short 'the Act'). The grievance of the petitioner is that while the said Revision Petition is kept pending, the respondents are taking steps to dispossess the petitioner by implementing the impugned order dated 23-12-2004.

When the matter is taken up for consideration, the learned Government Pleader for Revenue, at the out set, raised an objection stating that under Section 34 of the Act, the Revisional powers can be exercised by the State Government only *suo motu*, and therefore, the revision petition said to have been filed by the petitioners is not maintainable. The learned Government Pleader also states that against the order passed under Section 10(5) of the Act, an appeal lies under Section 33 of the Act.

Having regard to the facts and circumstances of the case, the Writ Petition is disposed of granting leave and liberty to the petitioners to workout the appropriate remedy as available under The Urban Land (Ceiling & Regulation) Act, 1976 against the order of the Special Officer and Competent Authority dated 23-12-2004. However, keeping in view the plea of the petitioners that there is immediate threat of dispossession, there shall be a direction that *Status Quo* obtaining as on today as to the nature and possession of the land in question shall be maintained, for a period of two weeks from today.

The Writ Petition is accordingly disposed of. No order as to costs.

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G. ROHINI, J

Dated: 16-03-2005

Note: Operative portion by wire at

Party's costs.

B/o.

LSK

ASSISTANT REGISTRAR

To

1 The Principal Secretary, Revenue, Secretariat, Hyderabad.
2 The Commissioner, Urban Land Ceiling, Nampally, Hyderabad.
3 The Special Officer & Competent Authority, Urban Land Ceiling, Hyderabad.

4 Two C.Cs. to the G.P. for Revenue, High Court Buildings, Hyderabad. (OUT)

5 Two C.D. copies.